

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Amy Elizabeth Tucker,	)	
	)	C/A No. 4:18-3050-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Amy Elizabeth Tucker, proceeding pro se, filed the within action on November 9, 2018, seeking judicial review of a final decision of Defendant Commissioner of Social Security Administration denying Plaintiff's claims for disability insurance benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On January 8, 2019, the Magistrate Judge issued an order authorizing service and informing Plaintiff of the requirements of filing a written brief setting out her arguments in support of her claim that benefits were improperly denied. Plaintiff's brief was due on June 27, 2019. Plaintiff did not file a brief as instructed. On June 28, 2019, the Magistrate Judge issued a order granting Plaintiff fourteen days, plus three days' mailing time, to file her brief. Plaintiff was cautioned that her failure to file a brief could result in her action being dismissed in accordance with Fed. R. Civ. P. 41(b). Plaintiff did not respond to the Magistrate Judge's June 28, 2019 order.

On July 18, 2019, the Magistrate Judge issued a Report and Recommendation in which he concluded that Plaintiff had abandoned her action. The Magistrate Judge recommended that the case be dismissed pursuant to Rule 41(b). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is dismissed without prejudice pursuant to Rule 41(b).

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

August 21, 2019